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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Sleep Number Corporation,
10 Plaintiff,
11 v.
12 Unknown Party,
13 Defendant.
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No. CV-23-00377-PHX-MTL

**ORDER GRANTING DEFAULT
JUDGMENT**

15 Pursuant to F.R.C.P. 55(a) and (b)(2), Plaintiff SLEEP NUMBER CORPORATION
16 (“Plaintiff” or “SLEEP NUMBER”) moved for default judgment against Defendant
17 ANONYMOUS ULTIMATE LICENSEE OF COMFORT.COM (hereafter referred to as
18 the “Defendant” and the site hereafter referred to as the “Domain”). Defendant’s contact
19 name was disclosed by the registrar but is a bogus name (“Comfort Admin”), and their
20 identity remains currently anonymous. The Court having reviewed Plaintiff’s Motion for
21 Default Judgment (Doc. 28), Defendant having failed to answer or respond to the
22 Complaint, and good cause appearing,

23 **IT IS ORDERED granting** Plaintiff’s Motion for Default Judgment (Doc. 28).

24 **IT IS ORDERED granting** default judgment upon Plaintiff’s claims for
25 cybersquatting, violation of the CFAA, and conversion. The Court already evaluated the
26 merits of each claim based on the Verified Complaint and found a likelihood of Plaintiff
27 prevailing on each of its claims. (Doc. 22.) Nothing has changed and that same analysis
28 demonstrates now that a finding of liability on each of the claims is warranted. Further,

1 the Court finds that Plaintiff has satisfied the procedural requirements for entry of default
2 judgment, as well as Defendant's liability for each claim alleged in the Complaint for which
3 default judgment is sought. Further, the *Eitel* factors warrant entry of default judgment:
4 Plaintiff is without other recourse for recovery and thus would be severely prejudiced
5 absent the requested relief, the Complaint establishes the grounds for Plaintiff's
6 cybersquatting, CFAA, and conversion claims, Plaintiff does not seek monetary damages,
7 the facts are undisputed as Defendant has not appeared in this action, there is no evidence
8 of excusable neglect, and Defendant's failure to appear in or defend itself in this action
9 weighs against any argument based on the policy favoring merits decisions.

10 Plaintiff also fulfills the requisite considerations for a permanent injunction
11 including: (1) irreparable injury, (2) inadequacy of remedies at law, (3) balance of
12 hardships, and (4) the public interest. Plaintiff has shown irreparable injury by establishing
13 that Defendant hijacked Plaintiff's domain with the intent to profit in bad faith from
14 Plaintiff's valuable trademarks. Absent injunctive relief, there is a continued risk that
15 Defendant will continue to interfere with Plaintiff's Domain and otherwise misappropriate
16 Plaintiff's trademarks, leading to further customer confusion. Further, the balance of the
17 hardships favors the granting of relief, other remedies are inadequate because Plaintiff has
18 no other mode of recourse, and the public interest weighs in favor of fraud prevention and
19 liability for those who commit fraud. The Court exercises its discretion to enter a permanent
20 injunction, and to comport with the full injunctive relief requested by Plaintiff and
21 necessary to protect against Defendant's scheme.

22 **IT IS FURTHER ORDERED** that upon receipt of this Order, that Defendant (and
23 any agents thereof and controlling third parties):

- 24 1. Shall not interfere in any way with Plaintiff's use or possession of the
25 COMFORT.COM domain;
- 26 2. Shall not traffic in, register, or use any domain name containing the SLEEP
27 NUMBER trademark and/or the COMFORT.COM trademark, or any
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1 variation of those terms;

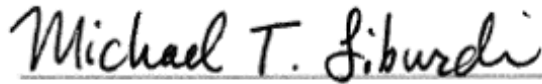
- 2 3. The provisional transfer of the COMFORT.COM domain to Plaintiff is made
3 permanent and the registrar GoDaddy.com, LLC shall take all necessary
4 actions to fully release the domain to Plaintiff or its agent.

5 The Defendant is warned that failure to fully comply with Orders of this Court,
6 including violations of the letter or spirit of all injunctive relief, could result in a finding of
7 civil and/or criminal contempt, which would include monetary penalties, fines, or
8 imprisonment.

9 The Clerk is directed to return the \$5,000 bond posted by Plaintiff (Doc. 10).

10 The Clerk shall enter judgment against Defendant accordingly.

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12 Dated this 31st day of May, 2023.

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16 Michael T. Liburdi
17 United States District Judge
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